

57357

ICE MILLER DONADIO & RYAN

ONE AMERICAN SQUARE
BOX 82001
INDIANAPOLIS, INDIANA 46282

TELEPHONE (317) 286-2100
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TELEX 757856

JACQUELINE A. SIMMONS
(317) 236-2254

September 20, 1990

Debbie Fript
U.S. EPA - Region V
Emergency Support Section 5HS-12
230 South Dearborn Street
Chicago, IL 60604

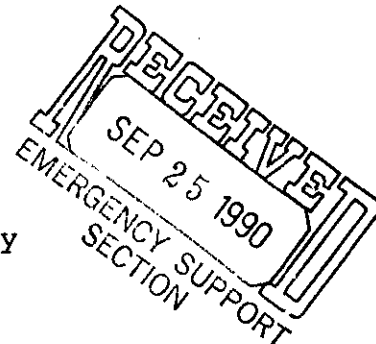
Re: HIMCO Landfill
Elkhart, Indiana
General Notice of Potential Liability

Dear Ms. Fript:

I am responding to your letter dated September 4, 1990 which was received by Excel Industries, Inc. on September 14, 1990. In providing this response, Excel Industries, Inc. does not waive any legal arguments it may have as to whether Excel Industries, Inc. is legally responsible for any activities of its wholly owned subsidiary, Excel Corporation, or of the predecessor to Excel Corporation, 1020 North Main Street Corporation.

Excel Industries, Inc. must decline to reimburse U.S. EPA for costs incurred to date and to voluntarily connect the homes located on County Road 10 in Elkhart, Indiana that currently use private wells to the municipal water supply. Given the extremely short time (7 days) within which Excel Industries, Inc. was required to respond to this request, we have not been able to fully investigate the facts and circumstances or to discuss EPA's request with any of the other PRP's.

However, at the current time we know of no evidence that Excel Corporation or 1020 North Main Street Corporation sent any hazardous substances to the HIMCO Site. Furthermore, your letter noted the presence of high levels of sodium in



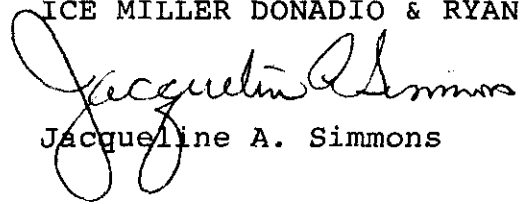
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the wells and we know of no waste stream generated by Excel Corporation or 1020 North Main Street Corporation which would cause elevated sodium levels on groundwater.

Therefore, we are declining to pay EPA's prior response costs or to extend municipal water service as requested in your letter. We would, however, be willing to participate in further discussions regarding this issue if U.S. EPA extends the time frame for a response.

Sincerely,

ICE MILLER DONADIO & RYAN

A handwritten signature in cursive script, appearing to read "Jacqueline A. Simmons".

Jacqueline A. Simmons

JASS/ss
cc: Ken Nemes

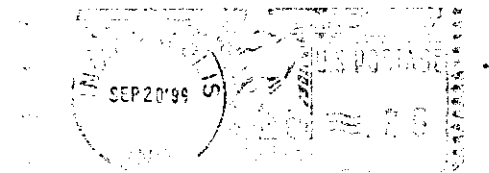
JASS

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